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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

HALEY VAN ESCOBAR f/k/a HALEY
VAN ENS, an individual,

Plaintiff,

vs.

UNITED STATES; UNITED STATES
POSTAL SERVICE, a governmental entity;
JANE and JOHN DOES 1-10, in their
respective individual capacities,

Defendants,

NO.

COMPLAINT FOR DAMAGES

Demand for Jury Trial

COMES NOW Plaintiff, by and through her attorneys at Pfau Cochran Vertetis Amala, PLLC and Altman Law Offices, for cause of action against Defendant and alleges as follows:

I. PARTIES

1. Plaintiff Haley Van Escobar f/k/a Haley Van Ens. At all times material, Haley Van Escobar f/k/a Haley Van Ens was a citizen of Seabeck, Washington, and operated a 2007 Honda CR-V with license plate number ASD0642.

COMPLAINT FOR DAMAGES

2. Defendant United States Postal Service, United States. The United States of America created the United States Postal Service (“USPS”) as an independent establishment of the executive branch. The USPS was created and is governed by the Postal Reorganization Act (“PRA”), 39 U.S.C. §§ 101 – 5605. Under the Federal Tort Claims Act (28 U.S.C. §§ 2679(a) & 1346(b), the United States is the proper party defendant in any matter brought pursuant to the Federal Tort Claims Act. Defendant USPS employed Austin Wallace, who was working within the scope of his employment when he was operating a U.S. Mail truck with license plate number 4315001 and crashed into Plaintiff.

3. Jane and John Does 1-10. Defendant Jane and John Does 1-10 are individuals and/or entities, as yet undetermined, who engaged in acts and omissions that proximately resulted in Plaintiff’s damages.

II. JURISDICTION AND VENUE

4. Jurisdiction. This Court has jurisdiction over this matter under 28 U.S.C. § 1346(b). This Court has original jurisdiction over claims against the United States.

5. Venue. The events giving rise to this lawsuit occurred in Kitsap County, Washington. Venue is proper in this district under 28 U.S.C. § 1391(e) and/or § 1391(b)(2).

6. Notice. Plaintiff has served a tort claim form in accordance with 28 C.F.R. § 14.1 *et seq.* More than six months have elapsed since the United States’ / USPS’s receipt of the tort claim without a denial from the tort claims adjuster.

III. FACTS

7. On December 7, 2019, at approximately 1355 hours, Haley was traveling in a 2007 Honda CR-V northbound on Front St NE in Poulsbo, Washington.

1 8. Haley slowed her vehicle and brought it to a complete stop for a pedestrian in a
2 crosswalk.

3 9. Austin Wallace, a U.S. Postal worker who was acting within the scope of his
4 employment with the U.S. Postal Service, was operating a Grumman U.S. Mail truck and
5 traveling behind Haley.

6 10. Wallace was traveling too closely behind Haley and crashed into her rear
7 bumper.

8 11. Sgt. Howard Leeming with the Poulsbo Police Department responded to the
9 scene and gave Wallace a warning for following too closely.

10 12. As a direct and proximate result of Wallace's actions and inactions, Haley
11 sustained personal injuries.

12 13. As a direct and proximate result of Wallace's actions and inactions, Haley also
13 incurred property damage to her 2007 Honda CR-V.

14 **IV. CAUSE OF ACTION**
15 **NEGLIGENCE**
16 **AS TO ALL DEFENDANTS**

17 11. Negligence. Based on the paragraphs set forth and alleged above, by and through
18 the FTCA, 28 U.S.C. §§ 1346(b) and the common law, Plaintiff brings a claim against
19 Defendants United States, USPS, and John and Jane Does for all forms of negligence arising
20 out of Austin Wallace crashing into Plaintiff while operating a USPS vehicle in a negligent
21 manner during the scope of his employment.

22 **V. PRAYER FOR RELIEF**

23 12. Relief. Plaintiff respectfully requests the following relief:
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- 1 A. For special damages for medical treatment expenses, the expenses of
2 medication, and other special expenses, both in the past and continuing
3 into the future, in amounts to be determined at the time of trial;
4 B. For all general damages for physical pain and suffering, resulting from
5 the acts complained of herein;
6 C. For all general property damage to Plaintiff's vehicle;
7 D. For such reasonable costs, attorney fees, prejudgment interest, and
8 exemplary damages allowed under law; and
9 E. That the Court enter such other and further relief as the Court may deem
10 just and proper.

11 Dated this 22nd day of July, 2022.

12 PFAU COCHRAN VERTETIS AMALA, PLLC

13 By /s/ Darrell L. Cochran

14 Darrell L. Cochran, WSBA No. 22851

15 Attorney for Plaintiff

16 PFAU COCHRAN VERTETIS AMALA, PLLC

17 By /s/ Kevin M. Hastings

18 Kevin M. Hastings, WSBA No. 42316

19 Attorney for Plaintiff

20 PFAU COCHRAN VERTETIS AMALA, PLLC

21 By /s/ Patrick A. Brown

22 Patrick A. Brown, WSBA No. 56627

23 Attorney for Plaintiff
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1 ALTMAN LAW OFFICES

2 By /s/ Mike Altman

3 Mike Altman, WSBA No. 35379

4 Attorney for Plaintiff

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COMPLAINT FOR DAMAGES

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